

## EXHIBIT 395

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

-----) MDL No. 2804  
IN RE: NATIONAL PRESCRIPTION )  
OPIATE LITIGATION )  
-----) Case No. 17-md-2804  
THIS DOCUMENT RELATES TO: )  
ALL CASES )  
-----) Hon. Dan A. Polster

HIGHLY CONFIDENTIAL  
SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

VIDEOTAPED DEPOSITION OF  
TERRENCE DUGGER

January 23, 2019

Indianapolis, Indiana

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The videotaped deposition of TERRENCE

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DUGGER, called by the Plaintiffs for examination,

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taken pursuant to the Federal Rules of Civil Procedure

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of the United States District Courts pertaining to the

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taking of depositions, taken before JULIANA F.

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ZAJICEK, a Registered Professional Reporter and a

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Certified Shorthand Reporter, at the Indianapolis

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Marriott Downtown, Texas Room, 350 West Maryland

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Street, Indianapolis, Indiana, on January 23, 2019, at

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9:16 a.m.

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1     ALSO PRESENT:

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                  Motley Rice LLC

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                  JOHN KNOWLES, Trial Technician

6

7     THE VIDEOGRAPHER:

8

                  MR. ANTHONY MICHELETTO,

                  Golkow Litigation Services

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1 I N D E X

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3 WITNESS:

PAGE:

4 TERRENCE DUGGER

5 EXAM BY MR. GOETZ..... 9

6 EXAM BY MR. MONAHAN..... 149

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10 E X H I B I T S

11 CVS - DUGGER EXHIBIT MARKED FOR ID

12 No. 1 Terrence Dugger - LinkedIn 31

13 No. 2 US DOJ DEA Diversion Control 38  
Division, Title 21 Code of Federal  
14 Regulations

15 No. 3 2/21/2008 E-mail with attachment; 40  
CVS-MDLT1-000091508 - 518

16

No. 4 IRR Report; 54  
CVS-MDLT1-000100925 - 983

17  
18 No. 5 8/27/2010 E-mail chain; 63  
CVS-MDLT1-000010223 - 224

19

No. 6 8/26/2010 E-mail with attachment; 105  
CVS\_MDLT1-000088956 - 9025

20  
21 No. 7 PowerPoint titled: Suspicious 69  
Order Monitoring for PSE/Control  
22 Drugs, Summary of Key Concepts and  
Procedures, August 27, 2010;

23 CVS-MDLT1-000064115 - 127

No. 8 9/1/2010 E-mail chain; 69

24 CVS-MDLT1-000064114

|    |                             |  |               |
|----|-----------------------------|--|---------------|
| 1  | E X H I B I T S (Continued) |  |               |
| 2  | CVS - DUGGER EXHIBIT        |  | MARKED FOR ID |
| 3  | No. 9                       | 10/12/2010 E-mail;<br>CVS-MDLT1-000104883  | 84            |
| 4  |                             |  |               |
| 5  | No. 15                      | Fronts of various IRRs from<br>various dates;<br>CVS-MDLT1-000100722, -681, -775,<br>-763, -1022, -851, -1125, -1227,<br>-2659                                   | 55            |
| 6  |                             |  |               |
| 7  | No. 21                      | Excerpt of a document titled:<br>VIPERx PDMR, Tuesday, June 12,<br>2007; CVS-MDLT1-000068372 - 376   | 102           |
| 8  |                             |  |               |
| 9  | No. 31                      | 9/24/2009 E-mail with attachment;<br>CVS-MDLT1-000083340 - 343   | 123           |
| 10 |                             |  |               |
| 11 | No. 32                      | 9/24/09 E-mail chain;<br>CVS-MDLT1-000120422   | 127           |
| 12 |                             |  |               |
| 13 | No. 34                      | 4/9/2010 E-mail with attachment;<br>CVS-MDLT1-000118291 - 295  | 129           |
| 14 | No. 35                      | Document titled: Transactional<br>Analysis - DEA Review;<br>CVS-MDLT1-000105714 - 721  | 137           |
| 15 |                             |  |               |
| 16 | No. 36                      | The Harvard Drug Group, LLC, Job<br>Description, Position Title:<br>Distribution Center Compliance<br>Supervisor, signed 6/3/2015;<br>CAH_MDL2804_01330815 - 819 | 140           |
| 17 |                             |  |               |
| 18 | No. 39                      | Document titled: January 2011 PSE<br>IRR Recap;<br>CVS-MDLT1-000009740 - 749   | 95            |
| 19 |                             |  |               |
| 20 |                             |  |               |
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1 THE VIDEOGRAPHER: We are now on the record. My  
2 name is Anthony Micheletto. I am the videographer for  
3 Golkow Litigation Services.

4 Today's date is January 23rd, 2019. The  
5 time is 9:16 a.m., as indicated on the video screen.

6 This video deposition is being held in  
7 Indianapolis, Indiana, in the matter of In Re:  
8 National Prescription Opiate Litigation in the  
9 United States District Court for the Northern District  
10 of Ohio, Eastern Division.

11 Our deponent is Terrence Dugger.

12 Will counsel please identify themselves  
13 for the video record?

14 MR. GOETZ: Dan Goetz on behalf of the  
15 Plaintiffs.

16 MR. ELSNER: Michael Elsner on behalf of the  
17 Plaintiffs.

18 MS. HARMON: Sarah Harmon, Armstrong Teasdale,  
19 on behalf of Cardinal Health.

20 MR. MONAHAN: Matthew Monahan, Williams &  
21 Connolly, on behalf of Cardinal Health and the  
22 witness.

23 MR. CLARK: Miles Clark from Zuckerman Spaeder  
24 on behalf of CVS Indiana, LLC, CVS Rx Services, Inc.,

1 and the witness in his capacity as a former employee  
2 of CVS.

3 THE VIDEOGRAPHER: Counsel on the phone?

4 MR. KOUBA: Good morning. This is David Kouba  
5 of Arnold & Porter on behalf of the Endo and Par  
6 Pharmaceutical Defendants.

7 MR. DUBOIS: This is Patrick Dubois from Jones  
8 Day on behalf of Walmart.

9 MS. SETILI WOOD: And Jaclyn Setili Wood on  
10 behalf of AmerisourceBergen.

11 THE VIDEOGRAPHER: Our court reporter today is  
12 Juliana Zajicek.

13 Please swear in the witness.

14 (WHEREUPON, the witness was duly  
15 sworn.)

16 TERRENCE DUGGER,  
17 called as a witness herein, having been first duly  
18 sworn, was examined and testified as follows:

19 EXAMINATION

20 BY MR. GOETZ:

21 Q. Mr. Dugger, my name is Dan Goetz. We met  
22 earlier before we started.

23 If I ask you a question that you don't  
24 understand, please tell me and I'll clarify it. By

1 the same token, if you answer a question, I'll assume  
2 you understood it.

3 Fair enough?

4 A. That's fair.

5 Q. Okay. What did you do to prepare for  
6 today's testimony?

7 A. I met with the attorneys.

8 Q. Which attorneys, when you say "the  
9 attorneys"?

10 A. Miles Clark and Matthew -- sorry,  
11 Matthew -- Monahan is the last name.

12 Q. And -- and when did you meet with Miles  
13 Clark?

14 A. Yesterday evening, maybe two days prior to  
15 that, probably a total of maybe nine hours or so.

16 Q. And when did you meet with Mr. Monahan?

17 A. Yesterday.

18 Q. When?

19 A. Yesterday around three o'clock or so.

20 Q. For how long?

21 A. Three o'clock p.m.

22 Q. For how long?

23 A. Maybe an hour-and-a-half.

24 Q. Was Mr. Clark present?

1 A. No.

2 Q. Was anybody else present?

3 A. No.

4 Q. Are you currently employed by Cardinal?

5 A. I am.

6 Q. And is that your understanding why  
7 Cardinal has provided you with an -- an attorney  
8 today?

9 A. Because I'm employed there?

10 Q. Yes.

11 A. That's not my understanding. I'm just --  
12 I was told that I needed to be here, so I'm here.

13 Q. Okay. Do you understand that Mr. Monahan  
14 represents Cardinal?

15 A. He explained that.

16 Q. Okay. And do you understand that when he  
17 went on the record, he said that he represented you?

18 A. I understand that.

19 Q. Okay. Are you aware that he represented  
20 you before you heard that today?

21 A. I am now. It may have been said prior to  
22 that, but I'm aware of it now.

23 Q. You don't have a memory of that?

24 A. No, I don't.

1 Q. Okay. And so Mr. Monahan, who represents  
2 Cardinal and said that he represents you, is it your  
3 understanding the reason for that arrangement is  
4 because you currently work at Cardinal?

5 MR. MONAHAN: Counsel, I can confirm I am  
6 representing him because he is a current Cardinal  
7 Health employee.

8 BY MR. GOETZ:

9 Q. Where did you go to college?

10 A. Georgia State -- well, I went to several.  
11 So there was West Georgia College in Carrollton,  
12 Georgia; there was Atlanta Metropolitan College in  
13 Atlanta; there is Georgia State University in downtown  
14 Atlanta; and University of Cincinnati Distance  
15 Learning.

16 Q. Okay. What degree did you receive from  
17 Georgia State?

18 A. Bachelor's of science in criminal justice.

19 Q. And what degree did you receive from  
20 University of Cincinnati?

21 A. A master's of science in criminal justice.

22 Q. And when was that degree from the  
23 University of Cincinnati?

24 A. 2007, August of 2007, commencement was

1 December of '07.

2 Q. That degree that you earned from  
3 University of Cincinnati was while you were working  
4 for CVS?

5 A. It was.

6 Q. Okay. And so you worked for CVS from June  
7 of 2005 to November of 2011?

8 A. That is correct.

9 Q. What -- who was your actual employer?

10 A. CVS.

11 Q. CVS what?

12 A. CVS Pharmacy.

13

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15

16

17 Q. Do you have any other degrees other than  
18 those two we just spoke about?

19 A. An associate degree from Atlanta  
20 Metropolitan, also in criminal justice.

21 Q. And do you have any other certificates  
22 other than those two we've just spoke about?

23 A. What do you mean by certificates?

24 Q. Any other training, any other certificates

1 of training?

2 A. Several. There is Wicklander's and  
3 Zulawski's.

4 Q. Sorry?

5 A. Wicklander and Zulawski, interviewing and  
6 interrogation techniques, I've had that twice. RCRA  
7 training which is a part -- RCRA.

8 Q. Can you spell that?

9 A. It's an acronym, R-C-R-A. It is basically  
10 EPA training as it relates to, I think it's a reser --  
11 conservation act. I can't exactly -- remember exactly  
12 what the acronym stands for, but it relates to how you  
13 handle -- handle -- how you handle hazardous waste,  
14 DOT training as it relates to hazardous materials  
15 training, probably OSHA 10-hour training, OSHA 30-hour  
16 training. That's all I can remember at this point.

17 Q. What was the OSHA training about?

18 A. Really just hazard communication, how you  
19 educate your employees, training your employees, just  
20 being educated on certain aspects of 29 CFR.

21 Q. I -- I don't -- you need to be a little  
22 bit --

23 A. 29 Code of Federal Regulations.

24 Q. Okay. Related to what, though? Was it

1 workplace safety?

2 A. Yes, workplace safety.

3 Q. Okay. Anything other than workplace  
4 safety related to the OSHA training?

5 A. Not that I can recall.

6 Q. Okay. And the -- the first one you  
7 mentioned, Wickland and Zulawski?

8 A. Wicklander.

9 Q. Wicklander and Zulawski?

10 A. And Zulawski, yeah.

11 Q. And you -- you said that was  
12 investigation?

13 A. It's the -- the name of the course is  
14 Interviewing and Interrogation Techniques.

15 Q. Does that relate to theft, is that what  
16 that was about?

17 A. It -- it is about just how you conduct  
18 interviews for theft related or whether it is  
19 employees or -- whether it is internal or external  
20 type of theft, just how you sit down across from an  
21 employee and -- or person to elicit information.

22 Q. It was about theft investigations, though,  
23 correct?

24 MR. CLARK: Object to the form.



1 BY THE WITNESS:

2 A. It could be about any investigation.

3 BY MR. GOETZ:

4 Q. Okay. What other types of investigations  
5 did you cover?

6 A. Did they cover in the training or did I  
7 cover?

8 Q. Did they cover in the training?

9 A. It was really -- they didn't really  
10 cover -- I don't recall them covering any types of  
11 investigation. It was more so because the training is  
12 supposed to -- sorry.

13 So the training -- the training is  
14 supposed to cover any types of investigation that may  
15 take place. So if it's one where a person has taken  
16 money from a register, then you would know how to go  
17 about getting the information from them.

18 Q. When did you have that training?

19 A. I've had it twice. Once in the '90s, and  
20 I can't remember when, and again probably 2012.

21 Q. The training in 2012 was when you had  
22 already left CVS, correct?

23 A. That is correct.

24 Q. And the training in the '90s was many

1     years before you came to CVS, correct?

2           A.     That is right.

3           Q.     Okay. And so that -- none of that  
4     training was while you were at CVS, just so we're  
5     clear?

6           A.     The training for the Zulawski --

7           Q.     Yes.

8           A.     -- and Wicklander?

9                   No, that training did not occur when I was  
10    at CVS.

11          Q.     After you graduated, can you give me your  
12    job history?

13          A.     After I graduated when?

14          Q.     From Georgia State.

15          A.     At the time I was currently employed with  
16    Rich's Department Store. It was -- actually the name  
17    of the company was Rich's Lazarus Goldsmith, or RLG.  
18    They were a part of Federated Department Stores. And  
19    I was there from '90 -- from '93 to '98. So, that's  
20    where I worked at the time I graduated from Georgia  
21    State.

22          Q.     What did you do there?

23          A.     Loss prevention -- well, several roles.

24    It was in loss prevention. I started out as a store

1 detective where my job was to perform audits on the  
2 floor to ensure that sensormatic tags and things along  
3 those lines were on product, to catch shoplifters. I  
4 moved from store detective to a senior store detective  
5 where the concentration was more on employee theft.  
6 And then -- and I forget the year, it could have been  
7 '96, I was promoted to a loss prevention manager at  
8 one of the department stores there in Atlanta.

9 Q. When I mention "controlled substances," do  
10 you know what that refers to?

11 A. I do.

12 Q. Okay. And so that Rich's Department  
13 Store, none of that work was related to the monitoring  
14 of controlled substances?

15 A. It did not have any controlled substances.

16 Q. What did you do after Rich's?

17 A. After Rich's, I worked -- I went to --  
18 moved to Ohio, still with RLG, which is Rich's Lazarus  
19 Goldsmiths again, and they have the Lazarus stores up  
20 there, nameplate, and that was in Miamisburg, Ohio, it  
21 is right outside of Dayton, Ohio. Don't go there.

22 But -- so I was there for a bit. And I  
23 left there and started working for Sears here in  
24 Indianapolis, and that was in the fall of '98.

1 Q. At Lazarus did you do the same thing as  
2 you did at Rich's?

3 A. I did. I just had more FHEs, or full-hire  
4 employees.

5 Q. And you came to Sears in '98.  
6 How long were you there?

7 A. The fall of '98 until May of 2000.

8 Q. And what -- what did you do there?

9 A. Some of the same things I did with Rich's.  
10 The store -- the -- the product base is a little  
11 different, but it was an -- as an asset protection  
12 manager. My job really revolves around safety, safety  
13 and general liability as well as workmen's comp, which  
14 I never really handled at the Rich's Department Store,  
15 so it was my first time really, you know, going into  
16 that area, but that's what I did until May of 2000.

17 Q. And, again, that job had nothing to do  
18 with the monitoring of controlled substances, correct?

19 A. It did not.

20 Q. What did you do after Sears?

21 A. After Sears I went -- I started working  
22 for Airborne Express in Chicago as a corporate  
23 investigator. I started there in June of -- of 2000.  
24 And, again, I was there. My job was to conduct

1 investigations as it related to freight being taken or  
2 packages being stolen and handling other  
3 security-related events there within the -- within the  
4 company.

5 Q. How long were you there?

6 A. I was with -- well, the company was bought  
7 out by DHL, and I can't remember the year. I  
8 apologize. It may have been 2002, 2003. But I was  
9 there with Airborne Express/DHL Express USA until  
10 June -- May or June of 2005.

11 Q. Again, that job had nothing to do with the  
12 monitoring of controlled substances?

13 A. I did not monitor any controlled  
14 substances there.

15 Q. In June of 2005 you came to work for CVS?

16 A. That's correct.

17 Q. And you were here until November of '11?

18 A. That's correct.

19 Q. What was your job when you were hired at  
20 CVS?

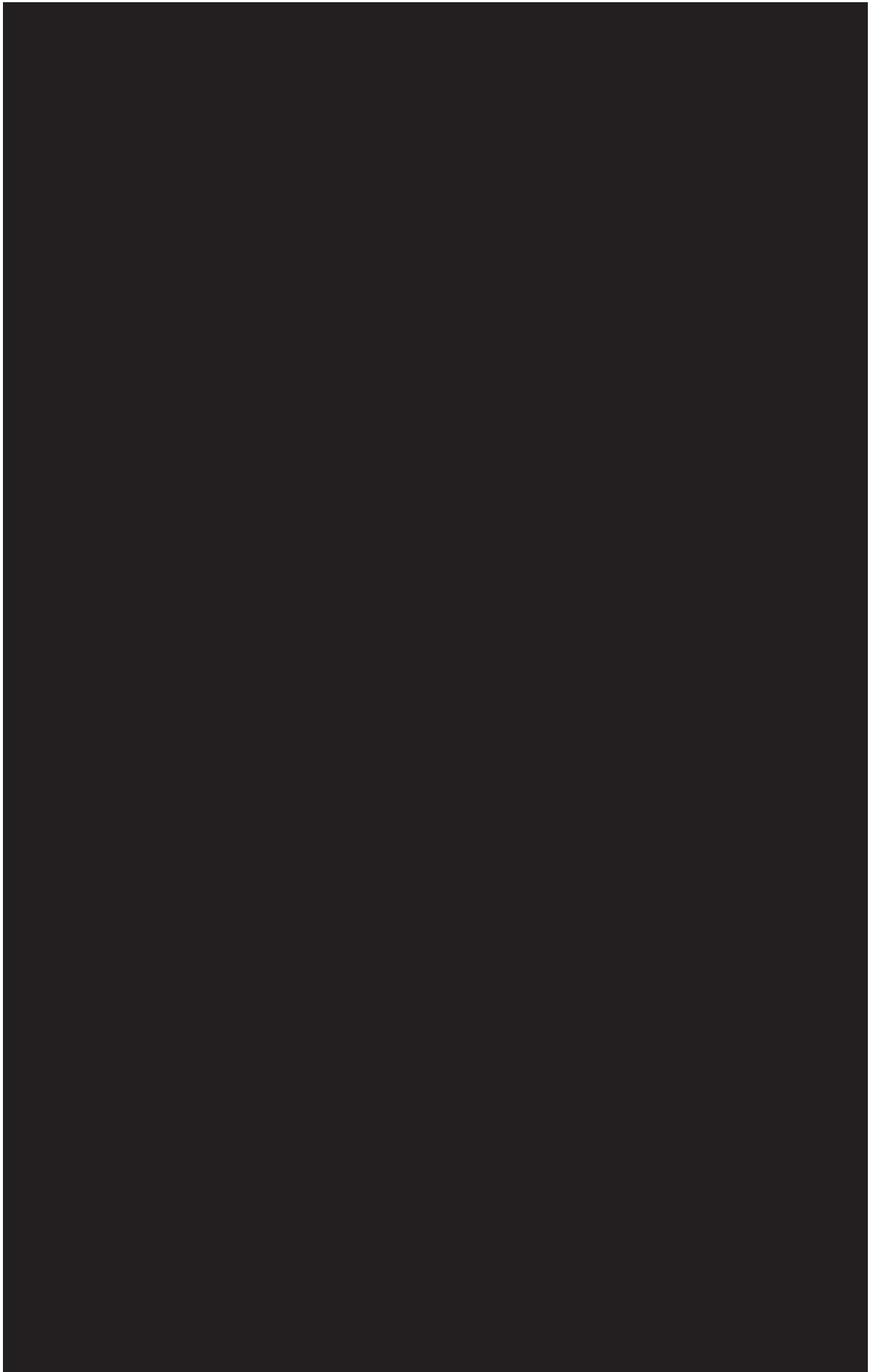
21 A. Logistics, loss prevention manager.

22 Q. How long did you hold that job?

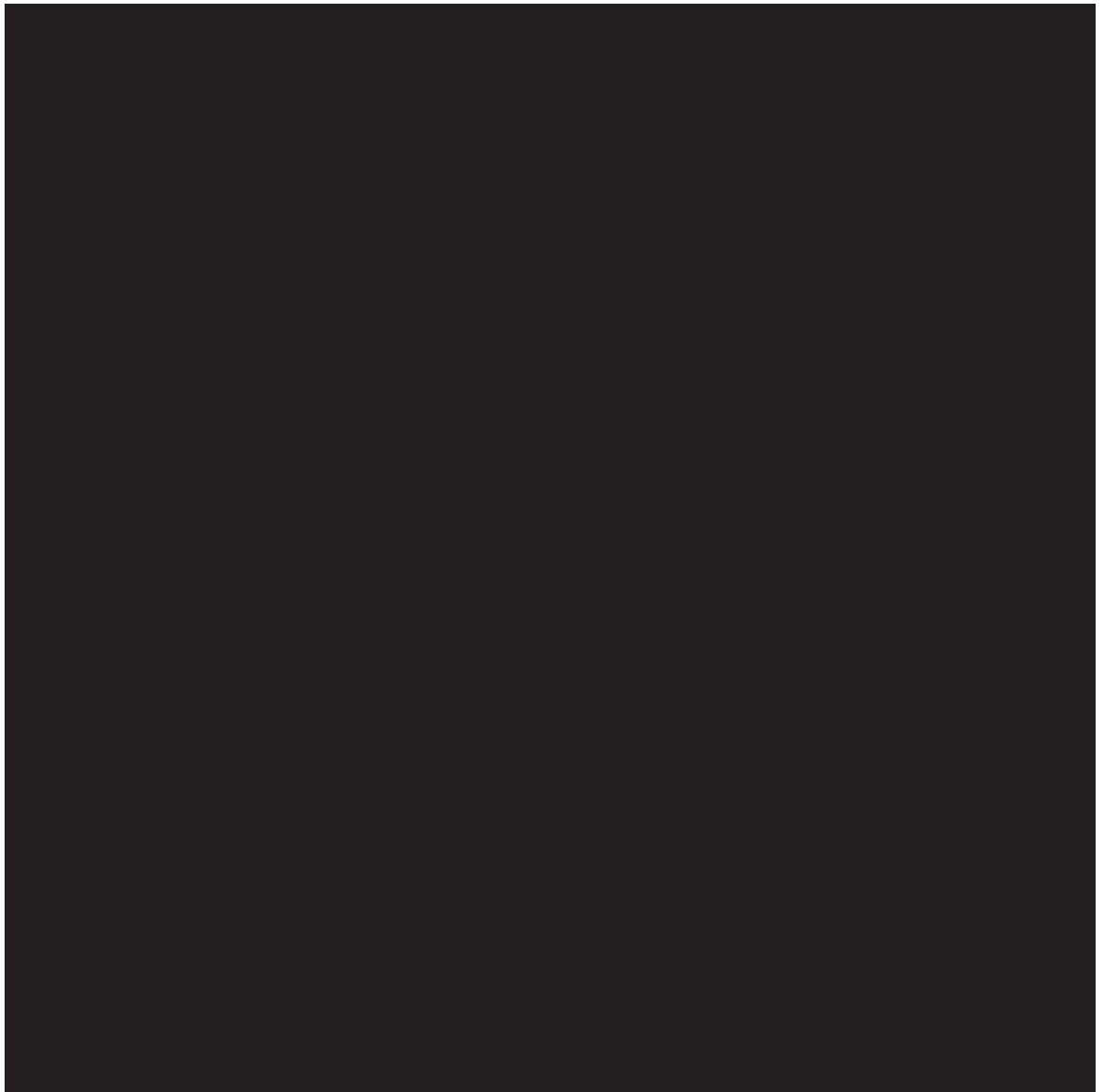
23 A. During my duration there.

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BY MR. GOETZ:

Q. Do you know what this litigation is about?

A. I have an idea.

Q. What's your understanding?

A. That a -- towns in Ohio is suing, I would  
I think at that point, several companies because of  
opioids.

Q. What is your understanding as to why CVS  
was being sued?

1 MR. CLARK: I would just like to caution and  
2 remind you not to disclose in answering these  
3 questions conversations you and I have had, privileged  
4 conversations you and I have had.

5 THE WITNESS: Okay.

6 BY THE WITNESS:

7 Q. What was your question again? I'm sorry.

8 BY MR. GOETZ:

9 Q. Other than what you've discussed with  
10 counsel, what you've learned from counsel, what is  
11 your understanding as to why CVS is being sued?

12 A. I don't have an understanding, no.

13 Q. Okay. Other than discussing with Cardinal  
14 counsel, do you have an understanding as to why  
15 Cardinal is being sued?

16 A. No idea at all.

17 Q. I will tell you, I will represent to you,  
18 and if I'm wrong, they can correct me, that the  
19 current lawsuits --

20 MR. CLARK: Object to the form.

21 BY MR. GOETZ:

22 Q. -- the current lawsuits relate to the  
23 distribution of opioids into Cuyahoga and Summit  
24 County as well as many other states, municipalities



1     that have filed lawsuits, okay?

2             A.     Uh-huh.

3             Q.     The claims against CVS and Cardinal relate  
4     to their failure to monitor when they distributed  
5     opioids, okay.

6                     Do you understand that? Can -- can we  
7     have that understanding about what this litigation is  
8     about?

9             A.     Yes.

10            MR. CLARK: Object to the form.

11     BY MR. GOETZ:

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23     BY MR. GOETZ:

24            Q.     Are -- are you aware that CVS was a --

1 strike that.

2 Are you aware that CVS, the CVS Indiana  
3 distribution center where you worked was a licensed  
4 DEA distributor for controlled substances?

5 A. Yes.

6 Q. Okay. And so they were a distributor, can  
7 we agree with that?

8 MR. CLARK: Object to the form.

9 BY THE WITNESS:

10 A. From a DEA perspective in terms of giving  
11 them a DEA registrant number, yes.

12 BY MR. GOETZ:

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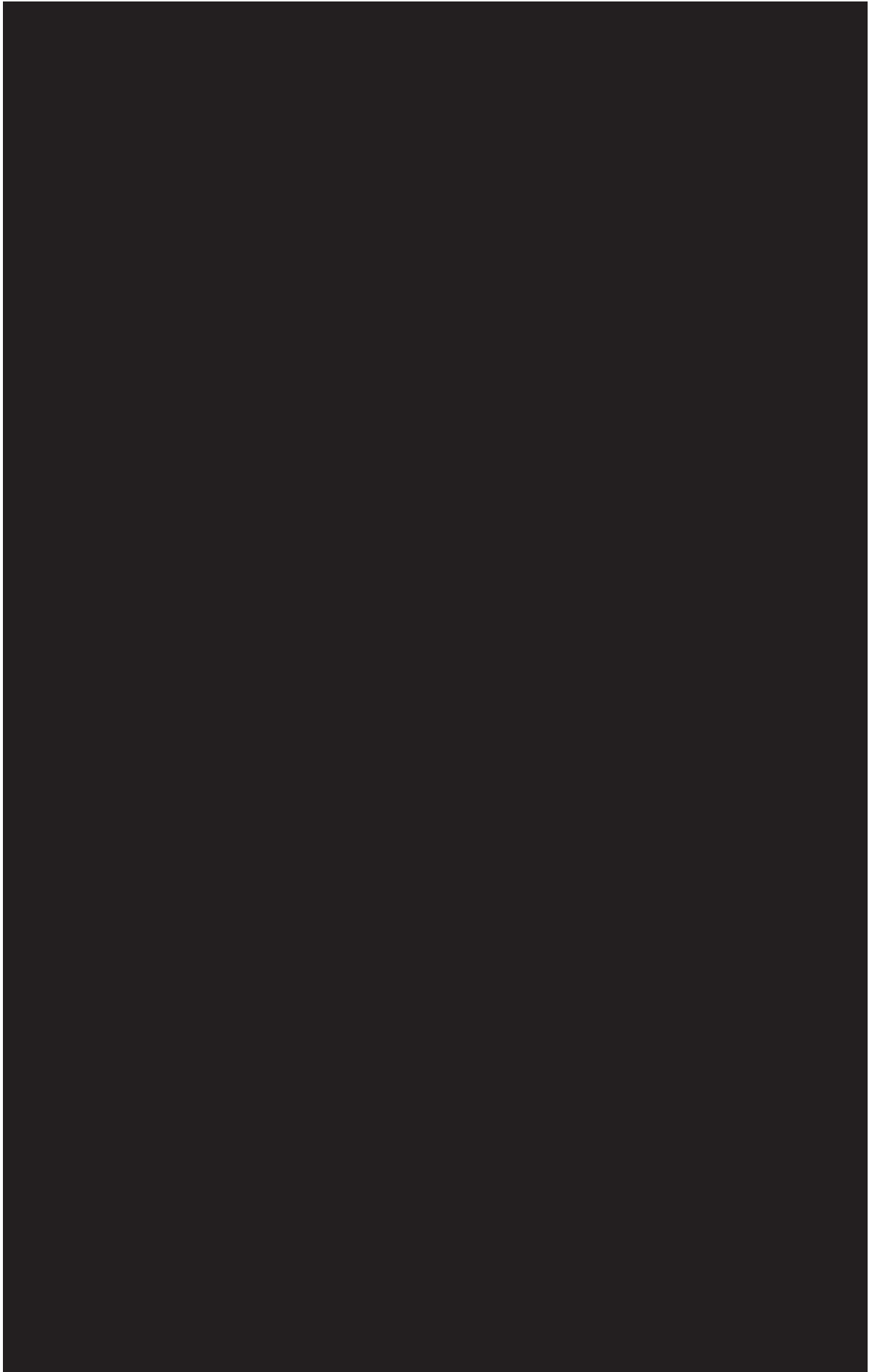
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13 Q. I -- I -- I appreciate that, but you did  
14 spend time with your lawyers, correct, a lawyer from  
15 CVS and a lawyer from Cardinal?

16 A. I did.

17 MR. CLARK: Object to the form.

18 BY MR. GOETZ:

19 Q. And you did spend a number of years after  
20 you left CVS working in controlled substances,  
21 correct?

22 A. Correct.

23 MR. CLARK: Object to the form.

24 BY MR. GOETZ:

1 Q. Okay. So, when we talk about a number of  
2 years, that's not really fair to the Plaintiffs to say  
3 it's been a number of years because, one, you've had a  
4 chance to meet with two sets of lawyers and you did  
5 this after you left CVS in 2011?

6 A. Well, you are asking me about CVS. You  
7 are not asking me about anything that happened after  
8 CVS. So I was really -- my point was making that it's  
9 been a while since I worked at CVS.

10 MR. CLARK: I'm sorry. I object to the form of  
11 that. And just -- sorry. I didn't want to interrupt.

12 THE WITNESS: No, don't apologize.

13 BY MR. GOETZ:

14 Q. So after you left CVS, what was your  
15 understanding about DEA regulations?

16 A. I didn't have any --

17 Q. Okay.

18 A. -- understanding at that point in time  
19 because when I left CVS, the job I went to had no  
20 dealings with DEA regulations at the time.

21 Q. Do you have a LinkedIn page?

22 A. I do.

23 Q. Do you maintain that LinkedIn page?

24 A. I try to.

1 Q. Okay. You try to put honest information  
2 on that LinkedIn page?

3 A. Absolutely.

4 MR. CLARK: Object to the form.

5 BY THE WITNESS:

6 A. Absolutely.

7 (WHEREUPON, a certain document was  
8 marked CVS - Dugger Deposition  
9 Exhibit No. 1, for identification, as  
10 of 01/23/2019.)

11 BY MR. GOETZ:

12 Q. Okay. I'm handing you what's been marked  
13 as Exhibit 1.

14 Do you recognize that?

15 A. It appears to be a copy, a printout of my  
16 LinkedIn page.

17 Q. And after you left CVS, you worked for The  
18 Harvard Drug Group?

19 A. Well, when I left CVS, I worked for the  
20 Stage Stores.

21 Q. And then after that you went to work for  
22 The Harvard Drug Group?

23 A. That is correct.

24 Q. And what is The Harvard Drug Group?



1           A.     I believe they are now defunct. It was a  
2     company that had several other companies underneath  
3     its umbrella.

4           Q.     Was it affiliated with Cardinal?

5           A.     At the time that I started working there,  
6     no.

7           Q.     Okay. Did it eventually become affiliated  
8     with Cardinal?

9           A.     Yes.

10          Q.     Okay. And so after you left The Harvard  
11     Drug Group, you then went to Cardinal, correct, they  
12     were affiliated and you moved to Cardinal --

13          MR. MONAHAN: Object to form.

14     BY MR. GOETZ:

15          Q.     -- as your employer?

16          A.     Well --

17          MR. MONAHAN: Object to form.

18     BY THE WITNESS:

19          A.     Well, it was just an acquisition, so I  
20     don't -- I didn't really leave. It was just merged  
21     together.

22     BY MR. GOETZ:

23          Q.     And -- and can you look at the Cardinal --  
24     or The Harvard Drug Group, and tell me if I'm reading

1     this correctly. This is the first sentence you put on  
2     your job.

3             A.     Okay.

4             Q.     "Responsible for, but not limited to:  
5     Overseeing, monitoring, and coordinating all aspects  
6     of network's distribution center's compliance  
7     including DEA," and then you list a few other  
8     government entities, correct?

9             A.     Yes.

10            Q.     Okay.

11                    Is that -- is that wrong? Did -- did you  
12     not ensure compliance with DEA regulations while at  
13     The Harvard Drug Group?

14            MR. MONAHAN: Object to the form.

15            MR. CLARK: Object to the form.

16     BY THE WITNESS:

17            A.     Well, I wrote here that it was all aspects  
18     of the network's distribution center's compliance, so  
19     that was specifically what The Harvard Drug Group had  
20     to comply with.

21     BY MR. GOETZ:

22            Q.     Which was what?

23            A.     Ensuring that the drugs were secure there  
24     in that particular location.

1 Q. And -- and that's my question. That's  
2 your only understanding of DEA regulations?

3 A. That's not my only understanding, but  
4 that's the job what I was doing at that particular  
5 time was to secure the drugs.

6 Q. What are the other understanding? What --  
7 what -- what do you understand the distributor's other  
8 obligations are?

9 MR. MONAHAN: Object to the form.

10 MR. CLARK: Object to the form.

11 BY THE WITNESS:

12 A. To, one, ensure that the 222 forms are  
13 completed, to file 601s if there is a loss or a theft  
14 regarding controlled substances, and to reconcile  
15 your -- your numbers, your drugs to ensure that  
16 they're reported.

17 BY MR. GOETZ:

18 Q. You said the 222 form?

19 A. Yes.

20 Q. What's your understanding of what that is?

21 A. I didn't start doing that right away when  
22 I got to The Harvard Drug Group, but it is a job I  
23 took on maybe in the last eight to -- six to eight  
24 months that I was there, but it is a form that is used

1 by companies to order controlled substances from at  
2 this point The Harvard Drug Group. It was actually  
3 Major Pharmaceuticals, which is under that Harvard  
4 Drug Group umbrella.

5 Q. What type of controlled substances?

6 A. I can't remember, but they were just  
7 Schedule V, IV and III drugs at the time, but I can't  
8 remember exactly between.

9 Q. And what about a Form 601?

10 MR. MONAHAN: Object to the form.

11 BY THE WITNESS:

12 A. 601s were filed if there were any type of  
13 losses occur -- that may have occurred there at the  
14 facility, then it was on the -- the onus was on the  
15 facility to file the 601.

16 BY MR. GOETZ:

17 Q. And what about you said rec -- reconciling  
18 drugs to make sure reported, what does that mean?

19 A. Just to ensure that, you know, the drugs  
20 that you received and the drugs that you send out and  
21 whatever your balance is, that they match, that you  
22 don't have any kind of losses there at the -- at the  
23 facility.

24 Q. Essentially your understanding of the DEA

1 obligations relate to theft and shrinkage, to make  
2 sure that the -- the inventory you received matches  
3 the inventory you think you -- the inventory you have  
4 matches what you think the inventory you received is?

5 MR. CLARK: Object to the form.

6 BY THE WITNESS:

7 A. Well, that was my role, to ensure the  
8 safety and to ensure the welfare and the security of  
9 product there at the -- at those facilities.

10 BY MR. GOETZ:

11 Q. Can you read -- go to -- back to your  
12 LinkedIn?

13 A. Yep.

14 Q. Do you see the second paragraph?

15 A. Where?

16 Q. The second sentence, it says --

17 MR. CLARK: I'm sorry. Are we --

18 BY THE WITNESS:

19 A. There are a number of jobs there.

20 BY MR. GOETZ:

21 Q. The LinkedIn.

22 MR. CLARK: I'm sorry. The Harvard?

23 BY MR. GOETZ:

24 Q. I'm -- I'm --

1 MR. CLARK: Sorry.

2 BY MR. GOETZ:

3 Q. -- sorry. The CVS.

4 A. Okay.

5 Q. And -- and tell me if this is how you  
6 described your job:

7 "Through auditing and report reviews,  
8 ensured regulatory compliance with OSHA, DEA, FDA,  
9 USDA and Hazardous Materials regulations."

10 Correct?

11 A. That's correct.

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(WHEREUPON, a certain document was

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marked CVS - Dugger Deposition

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Exhibit No. 2, for identification, as

8

of 01/23/2019.)

9

BY MR. GOETZ:

10

Q. I'm handing you what has been marked

11

CVS-Dugger 2.

12

Have you ever seen that document?

13

A. I don't recall seeing it.

14

Q. Have you -- I'd like to -- to point your

15

attention to (b), where it says "1301.74(b)"?

16

A. Um-hum.

17

Q. Could you read that, please?

18

A. "The registrant shall design and operate a

19

system to disclose to the registrant suspicious orders

20

of controlled substances. The registrant shall inform

21

the Field Division Office of the Administration in his

22

area of suspicious orders when discovered by the

23

registrant. Suspicious orders include orders of

24

unusual size, orders deviating substantially from a

1 normal pattern, and orders of unusual frequency."

2 Q. When you were at CVS, were you aware of  
3 that DEA requirement?

4 A. No, not from this particular form.

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(WHEREUPON, a certain document was

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marked CVS - Dugger Deposition

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Exhibit No. 3, for identification, as

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of 01/23/2019.)

10 BY MR. GOETZ:

11

Q. I'm showing you what's been marked as

12

Exhibit 3.

13

Do you know who Ron Buzzeo is?

14

A. I know of him.

15

Q. And -- and what do you know of him?

16

A. That he was, I think, a former DEA agent

17

and that he may have done some consulting -- or had a

18

consulting business, and I know his name came up

19

during times when I was at CVS.

20

Q. Do you know who Amy Lynn Brown is?

21

A. I do not.

22

Q. Do you know Amy Propatier?

23

A. I've heard she is a CVS person, I believe.

24

Q. Amy Lynn Brown and Amy Propatier are the

1 same person. She changed her name.

2 A. Okay.

3 Q. I'll represent that to you.

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6 Q. Were you aware when you were there that it  
7 was an issue?

8 MR. CLARK: Object to the form.

9 BY MR. GOETZ:

10 Q. Strike that.

11 In -- while you were employed at CVS from  
12 2005 to 2011, were you aware that -- that opioid abuse  
13 was a serious and growing health problem in the  
14 country?

15 A. I did not.

16 Q. Okay. Do you think, had -- are you aware  
17 of it today?

18 A. In terms of what, it being a problem?

19 Q. Yeah.

20 A. Well, I hear things on the news about  
21 there being issues with it, but there are issues with  
22 crack cocaine in inner cities that are much bigger  
23 than what people are saying here, so, I'm not here  
24 because of that.

1           Q.     Is -- is -- is it your understanding as  
2     you sit here today that the issues of crack cocaine  
3     are more significant than the opioid crisis?

4           MR. CLARK:   Object to the form.

5     BY THE WITNESS:

6           A.     Me personally, absolutely.  I think issues  
7     in the inner city are never dealt with and I'm not  
8     being deposed about those particular things.  I'm here  
9     because of some sentence here that says it's a serious  
10    and growing problem.

11    BY MR. GOETZ:

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11 Q. There is lots of other posters in the  
12 break room at CVS Indiana distribution center, aren't  
13 there?

14 MR. CLARK: Object to the form.

15 BY THE WITNESS:

16 A. I don't know. I posted several things  
17 there from a loss prevention standpoint or safety.

18 BY MR. GOETZ:

19 Q. Tons of posters about safety, right,  
20 about -- about making sure that --

21 A. I didn't put up a ton. I mean, I'm just  
22 saying I --

23 Q. Many --

24 A. -- I put posters up there.

1 Q. -- many --

2 A. Okay.

3 Q. -- is -- is that true about -- about  
4 safety and about theft in that break room?

5 MR. CLARK: Object to the form.

6 BY THE WITNESS:

7 A. I guess I put up maybe -- I put a  
8 newsletter up. There were a few things about injuries  
9 at the facility, but that's pretty much all that we  
10 put up there in -- in the -- the break room.

11 BY MR. GOETZ:

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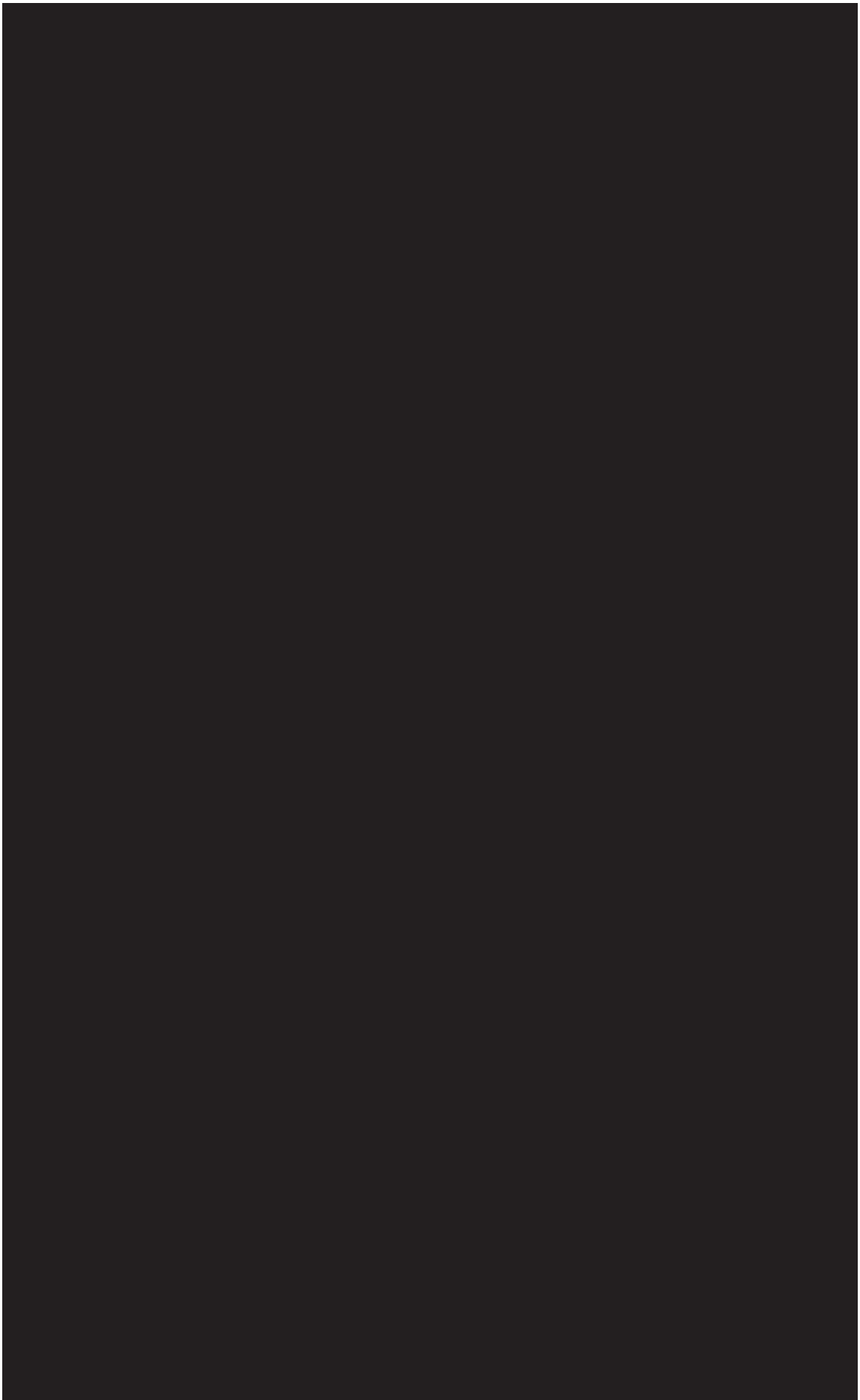
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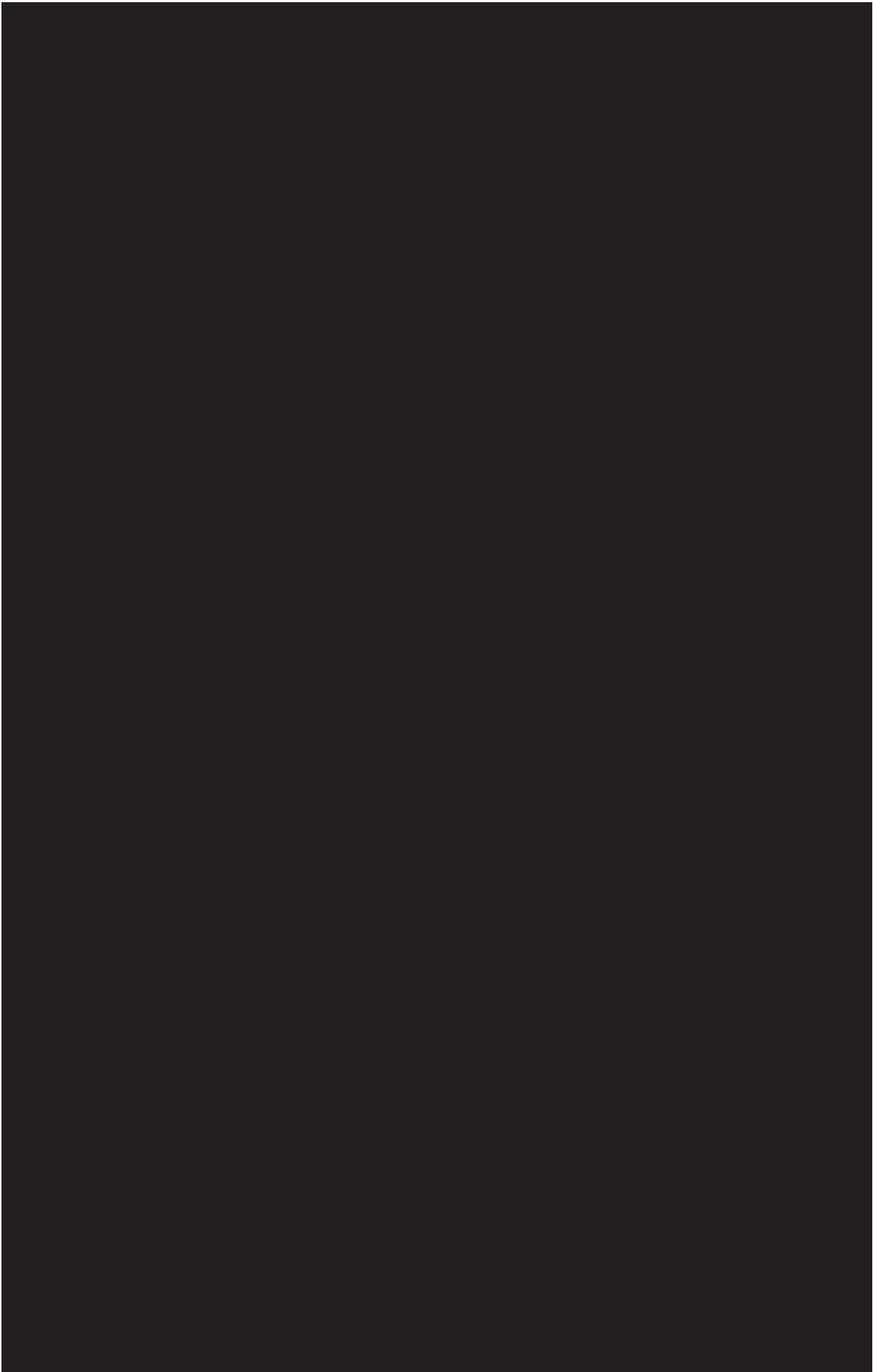
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13 MR. GOETZ: Five minutes?

14 THE VIDEOGRAPHER: We are off the record at  
15 10:02 a.m.

16 (WHEREUPON, a recess was had  
17 from 10:02 to 10:15 a.m.)

18 THE VIDEOGRAPHER: We are back on the record at  
19 10:15 a.m.

20 (WHEREUPON, a certain document was  
21 marked CVS - Dugger Deposition  
22 Exhibit No. 4, for identification, as  
23 of 01/23/2019.)

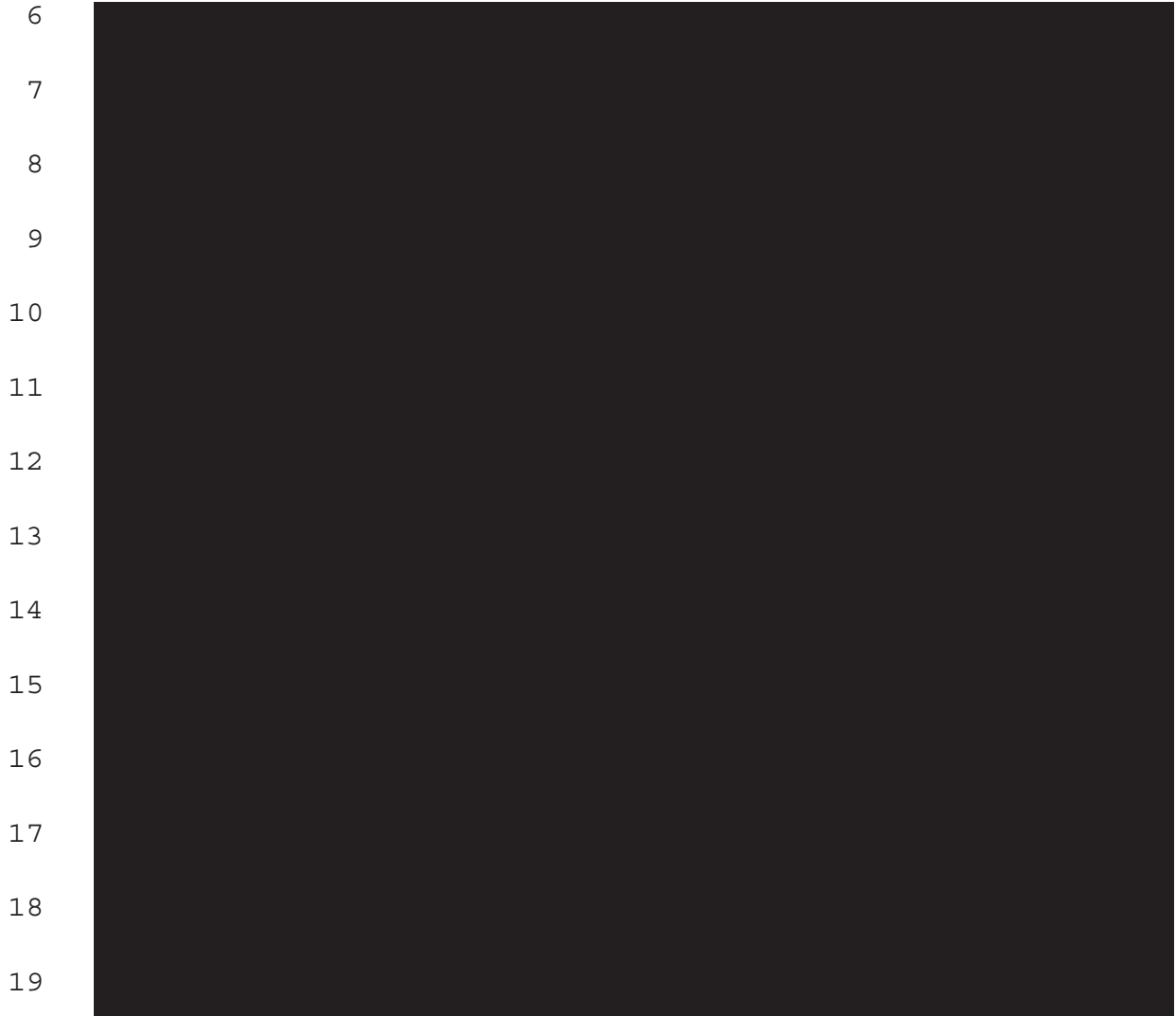
24 BY MR. GOETZ:

1           Q.     Mr. Dugger, I'm handing you what's been  
2 marked as Exhibit 4.

3           MR. CLARK: Oh, yeah, this is multiple copies.

4           THE WITNESS: Oh.

5 BY MR. GOETZ:



20                   (WHEREUPON, a certain document was  
21                   marked CVS - Dugger Deposition  
22                   Exhibit No. 15, for identification,  
23                   as of 01/23/2019.)

24 BY MR. GOETZ:



1           Q.     Okay.  So let me show you what I've marked  
2     as Exhibit 15.

3           THE WITNESS:  Multiple copies again.

4     BY MR. GOETZ:

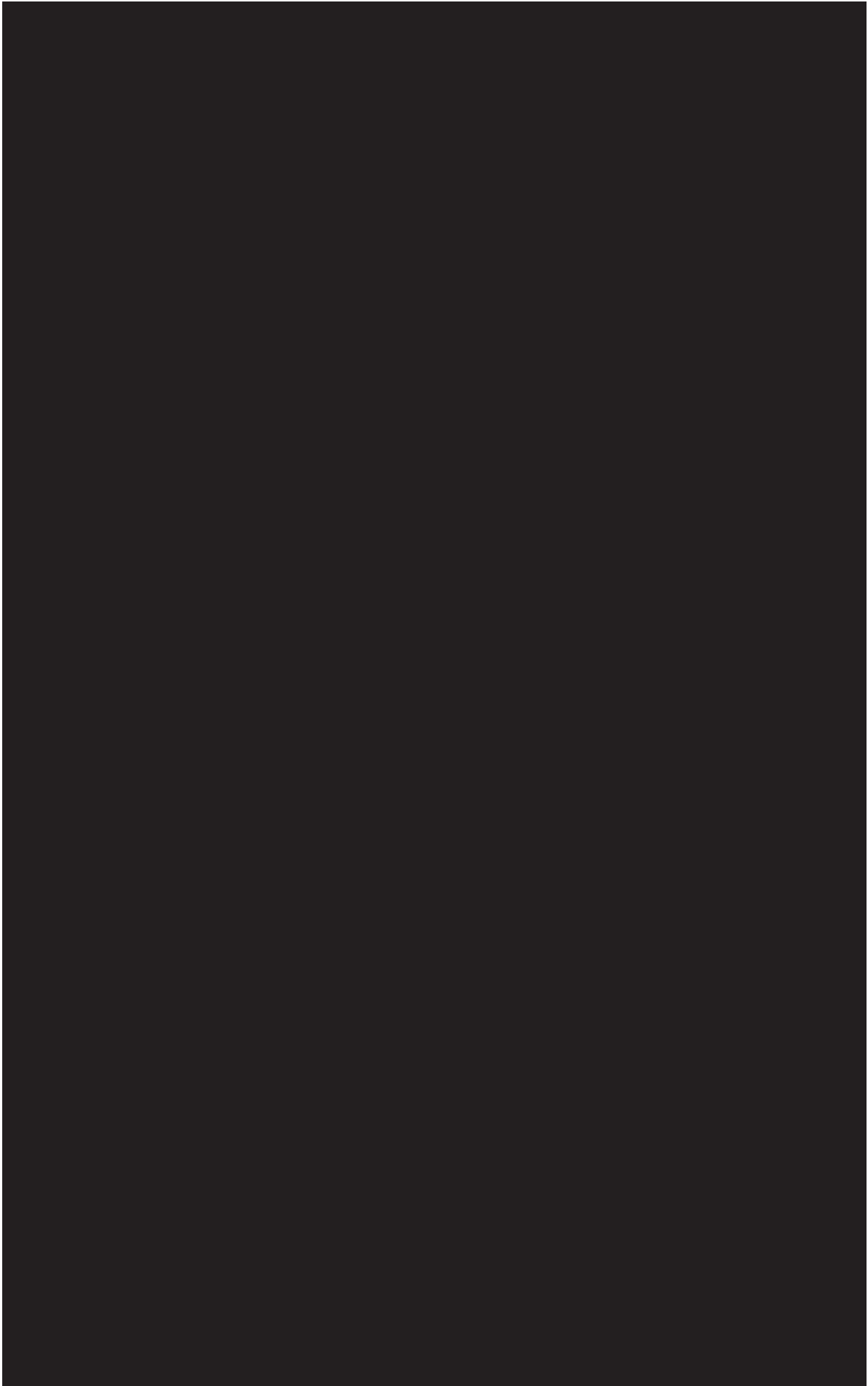
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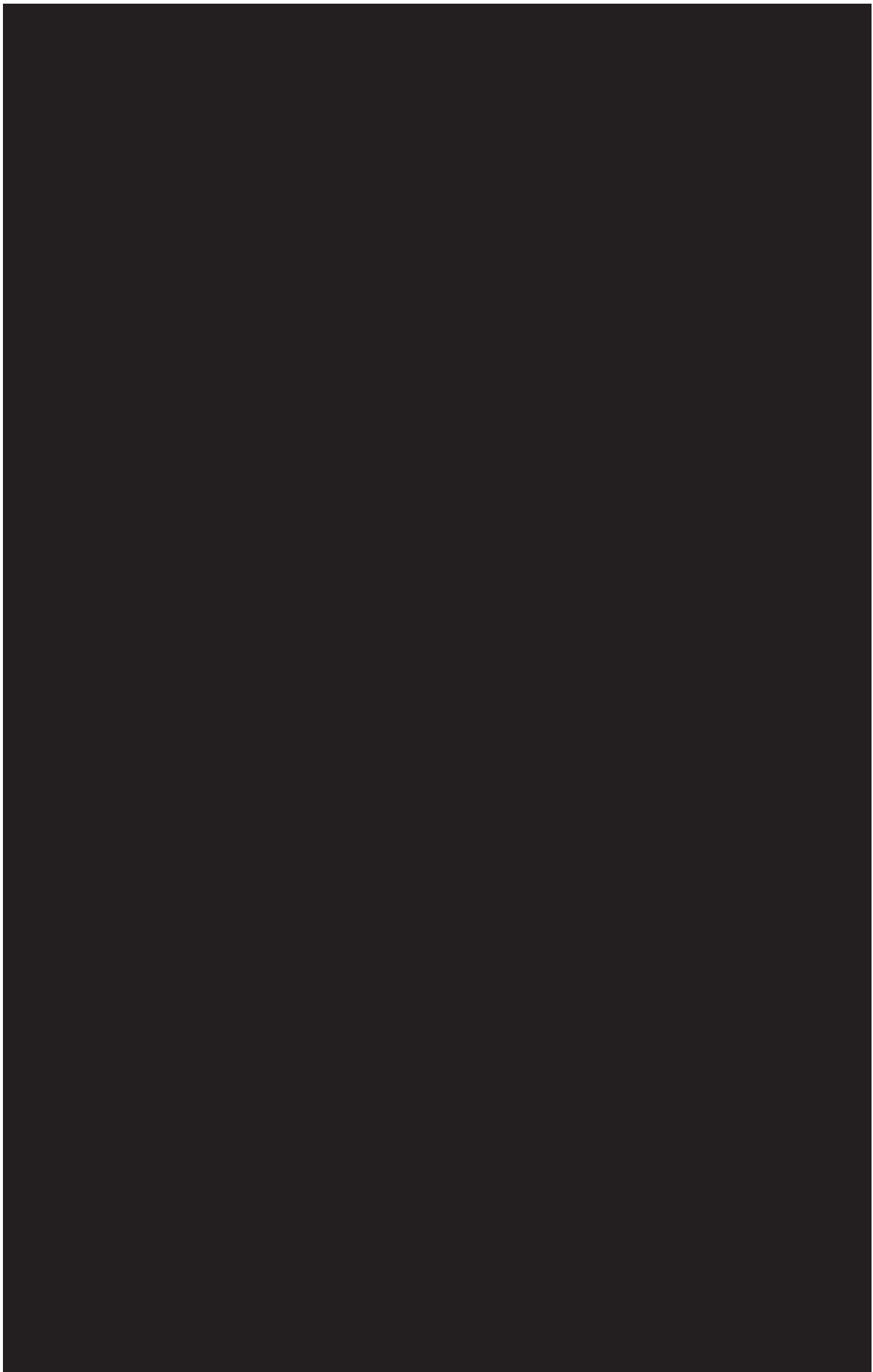
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marked CVS - Dugger Deposition  
Exhibit No. 5, for identification, as



1 of 01/23/2019.)

2 BY MR. GOETZ:

3 Q. I'm going to show you what's been marked  
4 as Exhibit 5.

5 Do you see that second e-mail?

6 A. There -- yeah, there is -- yeah. So it is  
7 the top from Pamela Hink -- Hinkle and there is a  
8 second one from Frank Devlin.

9 Q. Okay. There -- there is actually a third  
10 one, correct, from you to Frank Devlin?

11 A. There is a third one, correct.

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6 BY MR. GOETZ:

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(WHEREUPON, certain document were  
marked CVS - Dugger Deposition  
Exhibit No. 7 and No. 8, for  
identification, as of 01/23/2019.)

BY MR. GOETZ:

Q. I'm going to show you Exhibit 7 and  
Exhibit 8 together.

Do you see Exhibit 7?

A. I do.



1

2

3 MR. CLARK: You know, I hate to do this, 7 -- I  
4 think you have 7 and 8 reversed. Just make sure the  
5 record is clear.

6 BY MR. GOETZ:

7 Q. That is 8 we are looking at right now.  
8 The e-mail is 8.

9 A. Yes, I see that, yeah.

10 Q. I apologize if I misspoke.

11 MR. CLARK: No, I'm just -- I didn't --

12 MR. GOETZ: I appreciate it.

13 BY MR. GOETZ:

14 Q. Looking at Exhibit 8, that is John  
15 Mortelliti, correct?

16 Who is John Mortelliti?

17 A. He is a regional loss prevention manager  
18 of logistics.

19 Q. Was he your boss?

20 A. At this point he was, at this point in  
21 time he was. Well, he was my supervisor. I don't  
22 have a boss.

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7 Q. Who is Sean Humphries, by the way?

8 A. Sean Humphries was John Mortelliti's  
9 counterpart and he was my previous supervisor.

10 Q. And -- and he was your supervisor where,  
11 meaning where -- where did Sean Humphries sit?

12 A. Where he was out of?

13 Q. Yes.

14 A. He was out of Woonsocket, Rhode Island at  
15 the Woonsocket distribution center.

16 Q. And -- and so where was Mr. Mortelliti?

17 A. I think John Mortelliti was out of the  
18 Lumberton, New Jersey facility, if I recall.

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BY MR. GOETZ:



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BY MR. GOETZ:

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7 MR. GOETZ: I don't understand the -- the basis  
8 of that. I -- I -- Miles, we -- I -- I -- you've  
9 objected every time. I -- I don't understand the  
10 basis of that objection. There has been so many, but  
11 now I'm finally asking.

12 MR. CLARK: The basis of the objection to that  
13 particular question?

14 MR. GOETZ: Do you want me to ask him if he did  
15 do anything? Do you want me to ask him first if he  
16 did do anything, is that -- you are -- you are  
17 suggesting that he didn't do anything so it's  
18 inappropriate to ask what he did?

19 MR. CLARK: I am not suggesting anything. I'm  
20 just...

21 MR. GOETZ: But I -- I'm -- I'm curious as to  
22 why, why -- why that's a proper objection?

23 MR. CLARK: Well, there -- you haven't  
24 established the foundation that he did anything.

1 MR. GOETZ: That's what I'm saying. So you're  
2 objecting because we don't know that he did anything.

3 BY MR. GOETZ:

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(WHEREUPON, a certain document was

1 marked CVS - Dugger Deposition

2 Exhibit No. 9, for identification, as

3 of 01/23/2019.)

4 BY MR. GOETZ:

5 Q. I'm showing you what's been marked as

6 Dugger Exhibit 9.

7 Who -- who -- before we do this, who --

8 Gary Lamberth was the DC Rx, is that correct, at -- at

9 this time?

10 A. He was --

11 MR. CLARK: I'm sorry.

12 Object to the form.

13 BY THE WITNESS:

14 A. Gary --

15 BY MR. GOETZ:

16 Q. Who was the DC Rx in 2010 for the Indiana

17 distribution center?

18 MR. CLARK: Object to the form.

19 BY THE WITNESS:

20 A. DC Rx what?

21 BY MR. GOETZ:

22 Q. Well, we just looked at a spreadsheet,

23 correct? Or we looked at a PowerPoint that talks

24 about DC Rx?

1 A. Yes.

2 Q. Who was in that department in 2010?

3 A. I can't recall everyone that was --

4 MR. CLARK: Object to form.

5 BY THE WITNESS:

6 A. I can't recall everyone that was in the  
7 DC Rx department. They had a number of picker and  
8 packers, there was a supervisor there, there was a  
9 manager there, they had office personnel.

10 BY MR. GOETZ:

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12 BY MR. GOETZ:

13 Q. Mr. Dugger --

14 A. Yes.

15 Q. -- I -- I -- I will represent to you that  
16 the way discovery is done in this case, and Mr. Clark  
17 can object if I am wrong, is that we only get  
18 suspicious orders if there was a store contained  
19 within Cuyahoga or Summit County that was identified  
20 on that day's report.

21 A. Okay.

22 Q. So unless by chance this day had a -- an  
23 order of Cuyahoga and Summit, we would not get the  
24 follow-up E -- we would not get that order.

1 MR. CLARK: I object to the testimony from  
2 counsel and the --

3 MR. GOETZ: Am I wrong --

4 MR. CLARK: -- form of the question to the  
5 extent it is a question.


6 MR. GOETZ: Am I wrong about -- about how  
7 discovery works? Am I wrong about what's being  
8 produced?

9 MR. CLARK: I'm not being deposed.

10 MR. GOETZ: Am I -- I'm -- I'm asking if I'm  
11 wrong? I'm -- I'm trying to -- he says he needs the  
12 other documents.

13 BY THE WITNESS:

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THE VIDEOGRAPHER: We are off the record at  
10:59 a.m.

(WHEREUPON, a recess was had  
from 10:59 to 11:14 a.m.)

THE VIDEOGRAPHER: We are back on the record at  
11:14 a.m.

BY MR. GOETZ:



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18           MR. GOETZ: Can you mark this, please, 21.  
19                               (WHEREUPON, a certain document was  
20                               marked CVS - Dugger Deposition  
21                               Exhibit No. 21, for identification,  
22                               as of 01/23/2019.)

23       BY MR. GOETZ:

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4 Q. Who is Don Dugger?

5 A. It looks like he is a regional loss  
6 prevention manager somewhere.

7 Q. Do you know him?

8 A. I do not, no relation.

9 Q. I -- I figured it was you under -- and I  
10 apologize -- under some other name. I -- I -- I  
11 apologize.

12 This is kind of what you were talking  
13 about, these are the theft reports, correct, these  
14 are -- are reports to help determine whether or not  
15 there was theft?

16 A. That's my understanding of what a Viper  
17 analyst did, but I -- I don't -- I don't recall seeing  
18 this report before.

19 Q. This is a Viper Rx report, correct?

20 MR. CLARK: Object to the form.

21 BY THE WITNESS:

22 A. It says "Viper Rx PDMR," correct.

23 (WHEREUPON, a certain document was  
24 marked CVS - Dugger Deposition

1 Exhibit No. 6, for identification, as  
2 of 01/23/2019.)

3 BY MR. GOETZ:

4 Q. I'm going to show you what's been marked  
5 as Exhibit 6.

6 That is an e-mail from Amy Propatier to  
7 Annette Lamoureux?

8 A. Yes.

9 Q. Do you know who Annette Lamoureux is?

10 A. Yes.

11 Q. Who is Annette Lamoureux?

12 A. She was a supervisor at -- under Sean  
13 Humphries at the Woonsocket distribution center there  
14 in Woonsocket, Rhode Island.

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14 Q. Standard operating procedures are

15 critical.

16 Do you agree with that?

17 A. I agree.

18 Q. Important that you follow them to the  
19 letter.

20 Do you agree with that?

21 A. If they are written in such that they  
22 should be followed to the letter, yes.

23 Q. Could you go back to Exhibit 2, please.

24 Do you see Exhibit 2?

1           A.     I have it here.

2           Q.     And then if we go back to 1301.74(b), the  
3     last sentence reads:

4                     "Suspicious orders include orders of  
5     unusual size."

6                     Did I read that correctly?

7           A.     That's correct.

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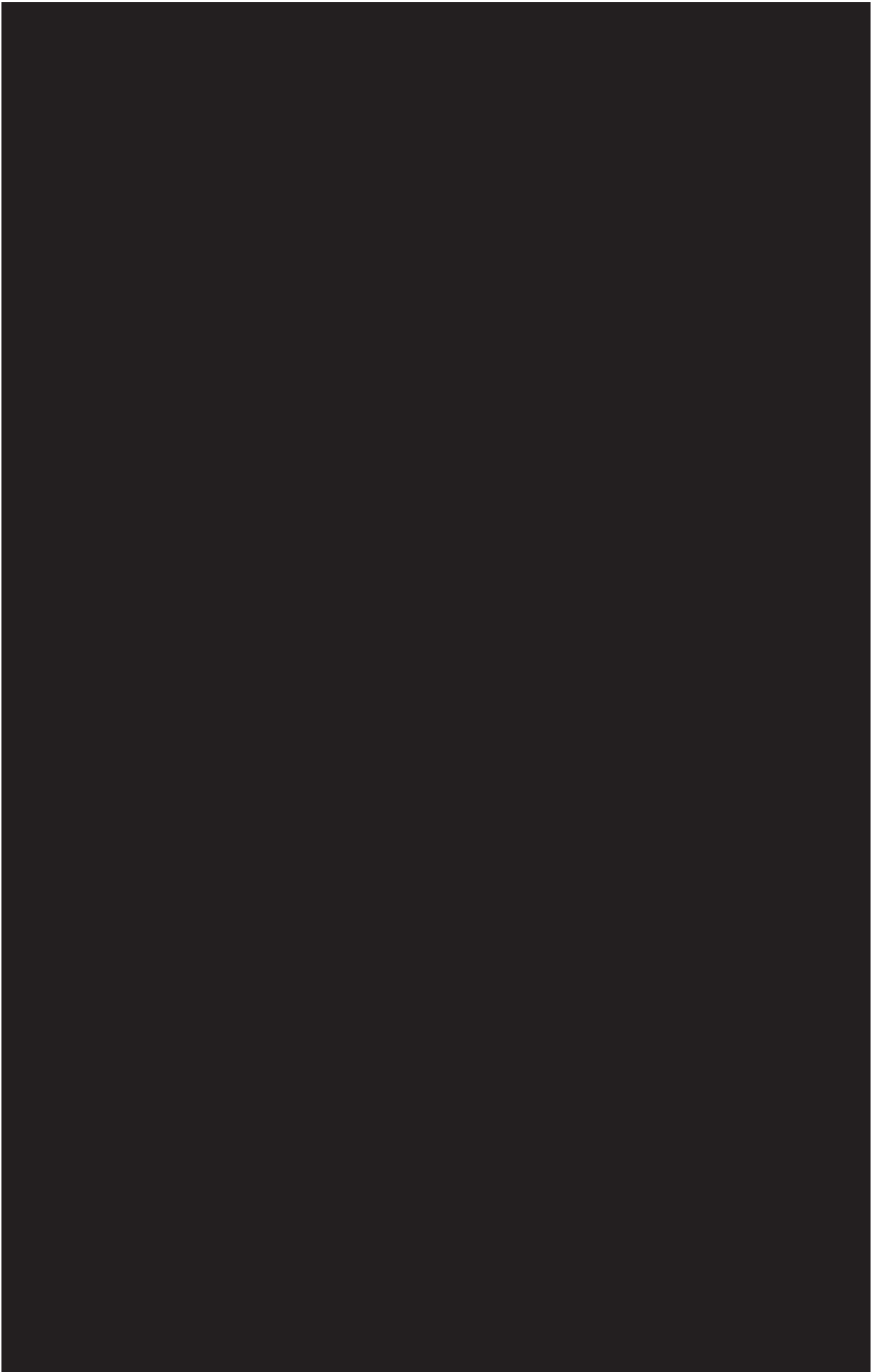
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21 BY MR. GOETZ:

22 Q. Could we go back to your LinkedIn page,  
23 please.

24 A. Was that the very first thing?

1 MR. CLARK: Exhibit 1.

2 BY MR. GOETZ:

3 Q. Yes.

4 Do you see the -- the paragraph we had  
5 read earlier about CVS, and it says:

6 "Through auditing and report reviews  
7 ensured regulatory compliance with DEA regulations."

8 And I -- I shortened some of the other stuff, but  
9 that's what you wrote, correct?

10 A. That's what I wrote.

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7           Q.     I might have asked you this, but would you  
8     agree that the ability to audit a system or a process  
9     is critical?

10          A.     I would agree.

11                     (WHEREUPON, a certain document was  
12                     marked CVS - Dugger Deposition  
13                     Exhibit No. 31, for identification,  
14                     as of 01/23/2019.)

15     BY MR. GOETZ:

16           Q.     I'm showing you what's been marked as  
17     Exhibit 31.

18                     Do you see that?

19          A.     The exhibit you just gave, yes.

20          Q.     Yes, sir.

21                     That is an e-mail from Pam Hinkle?

22          A.     Yes.

23          Q.     And it's to a number of people?

24          A.     Yes.

1 Q. Are -- are there any people on there that  
2 are at the Indiana distribution center?

3 A. Other than myself, at this time, no.

4 Q. Okay.

5 A. I don't know who is there now.

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1 (WHEREUPON, a certain document was  
2 marked CVS - Dugger Deposition  
3 Exhibit No. 32, for identification,  
4 as of 01/23/2019.)

5 BY MR. GOETZ:

6 Q. Mr. Dugger, I'm going to show you what's  
7 been marked as Exhibit 32.

8 A. That's almost ten years ago.

9 Q. Again, I appreciate it is ten years ago.

10 A. No, I'm just saying --

11 Q. You just met with counsel, two sets of  
12 counsel representing CVS and Cardinal within the last  
13 few days, correct?

14 A. Yes.

15 Q. Okay. I'm showing you what's been marked  
16 as Exhibit 32.

17 Do you see that?

18 A. Yes.

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MR. GOETZ: Can I have 33 to 35.

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(WHEREUPON, a certain document was

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marked CVS - Dugger Deposition

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Exhibit No. 34, for identification,

10

as of 01/23/2019.)

11

BY MR. GOETZ:

12

Q. Mr. Dugger, I'm going to hand you what's

13

been marked as Exhibit 34.

14

Do you see that?

15

A. Yes.

16

Q. That is an e-mail sent from Wendy Foor?

17

A. Yes.

18

Q. And that is sent -- you are one of the

19

recipients, correct?

20

A. That is correct.

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1 Q. Could you turn to the next page, please?

2 (WHEREUPON, discussion was had

3 off the stenographic record.)

4 MR. GOETZ: Let's take a break.

5 THE VIDEOGRAPHER: We are off the record at

6 11:46 a.m.

7 (WHEREUPON, a recess was had

8 from 11:46 to 12:07 p.m.)

9 THE VIDEOGRAPHER: We are back on the record at

10 12:07 p.m.

11 (WHEREUPON, a certain document was

12 marked CVS - Dugger Deposition

13 Exhibit No. 34, for identification,

14 as of 01/23/2019.)

15 BY MR. GOETZ:

16 Q. Mr. Dugger, I think what's been put in

17 front of you is Exhibit 34, is that correct?

18 A. Yes.

19 Q. I apologize for the confusion and I

20 appreciate you taking the break.

21 That is an e-mail from Wendy Foor?

22 A. Yes.

23 Q. Who is Wendy? Did I pronounce it

24 correctly? Who is Wendy Foor?

1           A.     I can't recall who Wendy Foor is. I think  
2     the last name is pronounced correctly, but I can't  
3     remember what Wendy did or who she worked for.

4           Q.     And -- and that is to many people, that  
5     e-mail?

6           A.     It is to a number of people, correct.

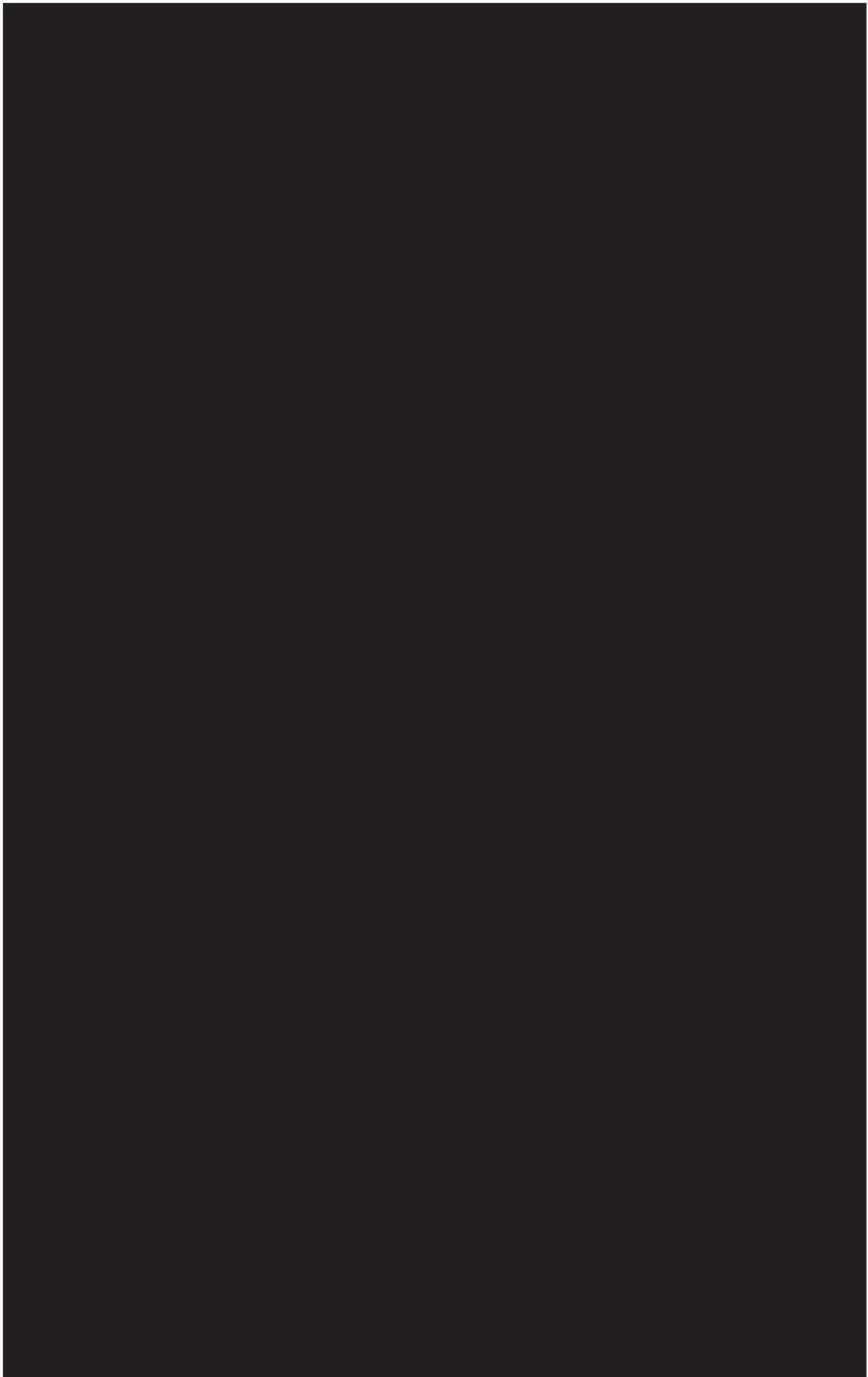
7           Q.     And -- and you are one of those  
8     recipients?

9           A.     I am.

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(WHEREUPON, a certain document was  
marked CVS - Dugger Deposition  
Exhibit No. 35, for identification,  
as of 01/23/2019.)

BY MR. GOETZ:



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8 BY MR. GOETZ:

9 Q. I'm handing you what's been marked as  
10 Exhibit 36.

11 Do you recognize that doctor -- document,  
12 Mr. Dugger?

13 A. I see what it says, but I -- I don't  
14 recall ever seeing it.

15 Q. Could you go to the last page, please.  
16 Is that your signature?

17 A. Where it says "associate signature," yes.

18 Q. And -- and that's the date, 6/3/15?

19 A. Yes.

20 Q. This document is a summary of your job  
21 responsibilities at The Harvard Drug Group?

22 A. Yeah, someone typed this up. I don't  
23 know.

24 Q. Let -- let's go back to the last

1 page again.

2 A. Okay.

3 Q. It -- it says -- why don't you read in the  
4 acknowledgment?

5 A. "I have read, fully understand and agree  
6 to the responsibilities outlined in this job  
7 description. I also assert that my background and  
8 experience satisfy the minimum requirements of the  
9 position. I have discussed what needs to be  
10 accomplished with my manager and intend to fully" --  
11 I'm sorry -- "to fulfill my commitment to the Harvard  
12 Drug Group to the best of my abilities. The Harvard  
13 Drug Group reserves the right to change and/or modify  
14 the duties and essential functions of this position at  
15 any time."

16 Q. And you signed it?

17 A. I did.

18 Q. Okay. Can you go back to the first page,  
19 please.

20 Before we -- I ask you that, and I'm --

21 MR. GOETZ: Man -- Manahan is your last name?

22 MR. MONAHAN: Monahan.

23 BY MR. GOETZ:

24 Q. When you spoke with Mr. Monahan, did you

1 speak at all about what you did at CVS?

2 MR. MONAHAN: Objection.

3 You can answer that question yes or no.

4 BY THE WITNESS:

5 A. Yes.

6 BY MR. GOETZ:

7 Q. You -- you spoke about what your job was  
8 at CVS?

9 A. Yes.

10 Q. How long did you speak about what your job  
11 was at CVS?

12 A. How long was the duration of the  
13 conversation or the time that I was there?

14 Q. That portion.

15 A. Probably, I don't know, five minutes.  
16 Less than that.

17 Q. Okay. And how long did you speak  
18 generally?

19 A. I don't know. From 3 o'clock to 4:30.

20 Q. Was the rest of the conversation about  
21 what your duties and roles were at the Harvard Drug or  
22 at Cardinal?

23 MR. MONAHAN: Objection.

24 You can answer that yes or no.

1 BY THE WITNESS:

2 A. The majority.

3 No, it was not.

4 BY MR. GOETZ:

5 Q. What was the -- the rest of that  
6 conversation about?

7 MR. MONAHAN: Objection; calls for  
8 attorney/client privilege.

9 Instruct him not to --

10 MR. GOETZ: Mr. Monahan, I -- I don't understand  
11 how it is attorney/client privilege when you speak to  
12 him about what he did while he was at CVS. That I --  
13 I don't fully understand because it's related to --  
14 that is -- is CVS's privilege and it relates to that.

15 So you can talk to him all you want about  
16 what he does at the Harvard Drug Group and what he  
17 does at Cardinal, but I don't understand how you have  
18 a privilege as to what he did at CVS or any of those  
19 conversations.

20 MR. MONAHAN: The conversation between myself  
21 and the witness was privileged in its entirety. You  
22 are not -- I am not going to permit this witness to  
23 testify about what he talked to me about in that room  
24 with all counsel.



1 BY MR. GOETZ:

2 Q. Are you going to listen to your counsel?

3 A. I am.

4 Q. Could you go back to the position summary.

5 Do you see that? It says:

6 "Under general supervision of the vice  
7 president, quality assurance and regulatory affairs,  
8 the distribution center compliance supervisor is the  
9 main point of contact for the oversight of regulatory  
10 compliance, safety, and security for the distribution  
11 center."

12 Did I read that correctly?

13 A. You did.

14 Q. And were you the distribution center  
15 compliance supervisor?

16 A. I served that role there, yes.

17 Q. And the -- the next paragraph says:

18 "The pish" -- "position is responsible  
19 for, but not limited to: Overseeing, monitoring and  
20 coordinating all aspects of the distribution center  
21 compliance including DEA," and then it lists some  
22 other things.

23 Did I read that correctly?

24 A. You did.

1 Q. Okay. And then down below under 36, it  
2 says:

3 "Remains current with emerging/revised DEA  
4 and FDA regulations."

5 Do you see that?

6 A. What line, what number was this?

7 Q. Down in Paragraph 2,  
8 "regulatory/compliance"?

9 A. I see that.

10 Q. Okay. And do you see Paragraph 7, it  
11 says:

12 "Ensures compliance with all appropriate  
13 policies, procedures, safety rules and" -- "and state  
14 and federal regulations with relation to  
15 pharmaceutical diversion, regulatory compliance and  
16 profit protection."

17 A. I see that.

18 Q. I read that correctly?

19 And you signed that, that this was your  
20 job, correct?

21 MR. MONAHAN: Objection to form.

22 BY THE WITNESS:

23 A. I signed it.

24 BY MR. GOETZ:

1           Q.     Okay. That -- and you signed it that  
2     these were your responsibilities, you understood them  
3     and you could comply with them?

4           MR. MONAHAN: Objection to form.

5     BY THE WITNESS:

6           A.     I signed it, but a lot of these weren't my  
7     full responsibilities there during my time at the  
8     Harvard Drug Group.

9     BY MR. GOETZ:

10          Q.     Mr. Dugger, can you go back to the  
11     acknowledgment?

12          A.     Yeah, I can go back to the acknowledgment.  
13     And I'm not -- I'm not disputing that I didn't sign  
14     it. What I'm telling you, sir, is that everything in  
15     here, just because I signed it doesn't mean that I was  
16     responsible for everything here. There were other  
17     responsibilities.

18                 Now, if they gave me that responsibility,  
19     if you look at the last sentence there under the  
20     Acknowledgments, things could be modified and, you  
21     know, as relates to some of these things, I may not  
22     have been a part of that. It may have been someone  
23     else's responsibility, so. Yes, I signed the  
24     acknowledgment.

1 Q. And -- and it says:

2 "I have read, fully understand, and agree  
3 to the responsibilities outlined in this job  
4 description"?

5 A. It says that.

6 Q. When you signed that, you understood these  
7 responsibilities and you agreed to perform them,  
8 correct?

9 A. If -- if those responsibilities were given  
10 to me, absolutely.

11 Q. Okay. This says they were given to you.  
12 Am I wrong?

13 A. It says that, but that doesn't mean that  
14 they were.

15 Q. Okay. So you didn't do this for -- for  
16 the Harvard Drug Group either?

17 A. I had nothing to do -- I had nothing to do  
18 with pharmaceutical diversion unless it involved  
19 the -- a theft, that's the only diversion that I would  
20 have been involved with there at the -- at the site.

21 Q. Did you have anything at the Harvard Drug  
22 Group, anything to do with suspicious order  
23 monitoring?

24 A. Absolutely not.

1 Q. Nothing?

2 A. Zero.

3 Q. These responsibilities that you agreed to  
4 are false?

5 MR. MONAHAN: Objection; mischaracterizes the  
6 document.

7 You can answer.

8 BY THE WITNESS:

9 A. I don't know if they are false or not, but  
10 in terms of what I was responsible for, there are a  
11 number of things on here, I would need to read it in  
12 its entirety to tell you what I was fully responsible  
13 for or wholly responsible for, things that I may have  
14 done, but I didn't do anything with any type of  
15 pharmaceutical diversion there at the site.

16 MR. GOETZ: I think we might be done. Give me  
17 five minutes.

18 THE WITNESS: Okay.

19 THE VIDEOGRAPHER: We are off the record at  
20 12:27 p.m.

21 (WHEREUPON, a recess was had  
22 from 12:27 to 12:35 p.m.)

23 THE VIDEOGRAPHER: We are back on the record at  
24 12:35 p.m.

1 EXAMINATION

2 BY MR. MONAHAN:

3 Q. Good afternoon, Mr. Dugger. My name is  
4 Matthew Monahan. I represent Cardinal Health. I just  
5 have a few of questions for you.

6 Do you mind bringing out Exhibit 36 that  
7 you discussed with Plaintiffs' counsel, please.

8 And do you remember you were asked some  
9 questions about this document?

10 A. I do.

11 Q. And you were directed to review Nos. 2 and  
12 7 under the Primary Duties and Responsibilities,  
13 correct, sir?

14 A. Yes.

15 Q. You were not directed to No. 5, were you?

16 A. I was not.

17 Q. Could you read No. 5 out loud, please?

18 A. "With assistance from corporate,  
19 regulatory and compliance personnel, hosts and  
20 supports all distribution center-specific DEA, state  
21 boards of pharmacy, FDA and other government agency  
22 audits and inquiries."

23 Q. Do you have an understanding of what this  
24 document mean -- means when it refers to corporate,

1 regulatory and compliance personnel?

2 A. Yes.

3 Q. Can you tell me what that means?

4 A. It's referring to the individuals that  
5 were in Livonia, Michigan that were corporate office.

6 Q. And -- sorry. I didn't mean to interrupt.

7 A. I'm sorry. Headquarters.

8 Q. And that was Harvard Drug's corporate  
9 headquarters, correct?

10 A. That's correct.

11 Q. And those individuals, to your knowledge,  
12 did they have any responsibility for complying with  
13 DEA regulations?

14 A. They did.

15 Q. Okay. You can set this document aside,  
16 sir.

17 You were asked some questions earlier  
18 about individuals named "pickers" and "packers."

19 Do you remember that testimony?

20 A. I do.

21 Q. Do you know what a picker or a packer is?

22 A. As relates to CVS, pickers were  
23 individuals that picked product and the packers were  
24 those individuals that packed the totes.

1           Q.     Did -- did Harvard Drug have pickers and  
2     packers, to your knowledge?

3           A.     There were -- they had pickers, yes.

4           Q.     Were you ever a picker, sir?

5           A.     I was -- I was never a picker.

6           Q.     Did you ever supervise pickers?

7           A.     I never supervised pickers.

8           MR. MONAHAN:  No more questions.

9           MR. GOETZ:  I don't have anything further.

10          MR. CLARK:  We are done.

11          THE VIDEOGRAPHER:  We are off the record at  
12     12:37 p.m.  This concludes the videotaped deposition  
13     of Terrence Dugger.

14                     (Time Noted:  12:37 p.m.)

15                     FURTHER DEPONENT SAITH NOT.

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1 REPORTER'S CERTIFICATE

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3 I, JULIANA F. ZAJICEK, C.S.R. No. 84-2604,  
4 a Certified Shorthand Reporter, do hereby certify:

5 That previous to the commencement of the  
6 examination of the witness herein, the witness was  
7 duly sworn to testify the whole truth concerning the  
8 matters herein;

9 That the foregoing deposition transcript  
10 was reported stenographically by me, was thereafter  
11 reduced to typewriting under my personal direction and  
12 constitutes a true record of the testimony given and  
13 the proceedings had;

14 That the said deposition was taken before  
15 me at the time and place specified;

16 That I am not a relative or employee or  
17 attorney or counsel, nor a relative or employee of  
18 such attorney or counsel for any of the parties  
19 hereto, nor interested directly or indirectly in the  
20 outcome of this action.

21 IN WITNESS WHEREOF, I do hereunto set my  
22 hand on this 27th day of January, 2019.

23

24 JULIANA F. ZAJICEK, Certified Reporter

1 DEPOSITION ERRATA SHEET

2

3

4 Case Caption: In Re: National Prescription

5 Opiate Litigation

6

7 DECLARATION UNDER PENALTY OF PERJURY

8

9 I declare under penalty of perjury that I  
10 have read the entire transcript of my Deposition taken  
11 in the captioned matter or the same has been read to  
12 me, and the same is true and accurate, save and except  
13 for changes and/or corrections, if any, as indicated  
14 by me on the DEPOSITION ERRATA SHEET hereof, with the  
15 understanding that I offer these changes as if still  
16 under oath.

17

18 TERRENCE DUGGER

19

20 SUBSCRIBED AND SWORN TO

21 before me this day

22 of , A.D. 20\_\_.

23

24 Notary Public

| 1  | DEPOSITION ERRATA SHEET                        |
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| 2  | Page No. _____ Line No. _____ Change to: _____ |
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| 4  | Reason for change: _____                       |
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| 7  | Reason for change: _____                       |
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| 10 | Reason for change: _____                       |
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| 24 | TERRENCE DUGGER                                |

1 DEPOSITION ERRATA SHEET

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23 SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

24 TERRENCE DUGGER